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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,171	04/30/2001	Max Jaffe	130149-1000	4933
32914 7590 06/21/2007 GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			EXAMINER PATEL, JAGDISH	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/846,171	Applicant(s) JAFKE, MAX	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9, 10, 16, 24-29, 35, 43-48 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-10, 16, 24-29, 35, 43-48 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 3/28/07.

Response to Amendment

2. Claims 1-5, 9-10, 16, 24-29, 35, 43-49, 54, have been amended and claims 6,7, 11-12, 36 has been cancelled. Claims 1-5, 9-10, 16, 24-29, 35, 43-48 and 54 remain pending and are under examination.

Response to Arguments

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejections.

Claim Rejections - 35 USC § 112

3. Claims 1-5, 9-10, 16, 24-29, 35, 43-48 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "determining a budget amount for each ..categories" is unclear because there the claim is silent about what is the basis for the determination. (The examiner treats the process of determining as deriving from a calculative process. Is this limitation merely specifying a budget amount?).

The claim fails to show any relationship of the cost and the remaining balance. In view of this deficiency, the managing of the account is a vague concept. The claim fails to specifically point out what “managing an account” entails in the scenario where the account balance, the cost (associated with each of the plurality of expenditure) and the plurality of remaining balance are given parameters. The examiner points out that the management of an account is too broad and vague, especially under the situation where the user is given (i) account balance (ii) a cost in hours for different expenditures (iii) a plurality of remaining balances in each category of expenses. One of the ordinary skill in the art appreciates that managing a budget account having a plurality of expenses involve adjusting variables (or discretionary expenses such as entertainment) so the fixed expenses (such as mortgage, utility) have been met after all sources of incomes have been factored in. However, the present invention involves managing the account based on among other factors the cost (work hours) associated with each of the expenditure. Is the cost an adjustable variable (working longer hours?) when certain of the remaining balances drop below a specified limit?

In view of the analysis provided above, the examiner concludes that the claims are vague and unclear in terms of managing the account as specified.

Claim 4 further limits the step of “determining the budget amount”. In view of the ensuing limitations of claim 4, it is not clear this proper because the result of claim 4 is number of hours for a given expenditure. The examiner has interpreted that claim 4 is related to the step “determining a cost”.

Claims 4 refers to “the expenditure” whereas claim 1 refers to “a plurality of expenditures”. Therefore, there is a lack of positive antecedent basis for this limitation.

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Claim 5: how the “total budget amount” is relevant to claim 2 (or claim 1)?

Claims 24-29, 35, 43-49, 54 are product claims which implement process of method claims 1-5, 9-10, 16 and therefore inherit deficiencies outlined above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5, 9-10, 16, 24-29, 35, 43-48 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Linden, Tom**; “**Money matters**” Macworld v10n6 PP: 119-125 Jun 1993

(Linden) and further in view of “**Tax freedom Day**” dated April 12, 1993 (**Tax freedom**).

7. Claim 1: Linden teaches a method for managing an account wherein the account includes an available account balance derived from one or more revenue sources and a plurality of

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expenditures (see Abstract) comprising adding an income amount from the one more revenue sources (see TRACKING YOUR POT OF GOLD), grouping each of the plurality of expenditures into one more categories (see BUDGETING THE BUCKS), determining a budget amount for each of the plurality of categories, calculating a remaining balance for each of the plurality of categories (see BUDGETING THE BUCKS, month-by-month displays of actual versus budgeted expenses) and outputting the account balance and the remaining balances to the user (month-by-month displays of actual versus budgeted expenses). Linden further teaches that the software is provided to manage the account associated with the revenue sources and the categories of expenditures including the remaining balances in each category of expenditures.

8. Linden, however, does not teach determining cost associated with each of the plurality of expenditures in terms of the amount of work required as recited in the claim and outputting and managing account inconsideration of the cost in association with other parameters discussed above.

9. **Tax freedom** teaches determining cost associated with each of the plurality of expenditures in terms of the amount of work required. (number of hours devoted to various categories of expenses).

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a step of determining a cost associated with each of the plurality of expenses and have it outputted with other parameters as referenced before because this would provide a perspective of the expenditures in relation to the amount of work hours (or effort) needed to justify each of the plurality of expenditure.

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Claim 2, 3,5, 9, and 10 and claim 16 are inherent to any personal and family finance and budgeting process such as described by Linden.

Claim 4: various steps recited in claim 4 amounts to number of hours to meet the specific category of expense. As such this process is already described by the "Tax freedom" article.

Claims 24-29, 35, 43-49, 54 have been analyzed as per respective method claims and have been accordingly rejected over the prior art discussed above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

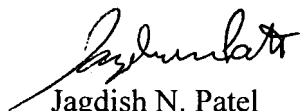
Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

6/10/07